

Date: 11-04-11
 Time: 9:25 To 9:46

SENTENCING

Judge: O'GRADY
 Reporter: Kitty Elias w/Rudiger & Green
 Interpreter: _____
 Language: _____

UNITED STATES of AMERICA

Case Number: 1:11CR00155-001

V.

JAVIER SIVERONICounsel/Govt: Uzo AsonyeCounsel/Def: Fred Sinclair

Court adopts PSI (X) with exceptions: For the reasons stated in open court, the court imposed a sentence below the guideline range pursuant to the factors set forth in 18 USC 3553.

SENTENCING GUIDELINES :Offense Level: 26Criminal History: 1Imprisonment Range: 63 to 78 monthsSupervised Release Range: 1 to 3 yearsFine Range: \$ 12,500.00 to \$125,000.00Restitution \$ -0-Special Assessment \$ 100 () Satisfied () Unsatisfied, due immediately

Court departs from Guidelines pursuant to:

____ USSG 5H1.3 and 5H1.4

____ USSG 5K1.1

____ USSG 5K2.12

____ USSG 5C1.2

____ Other: _____

JUDGMENT OF THE COURT:BOP for TWENTY FOUR (24) MONTHSSupervised Release for TWO (2) YEARS with special conditions: (x) Yes () No

Supervised Probation for _____ Years, with special conditions: () Yes () No

Fine Imposed of _____ due immediately/ monthly installments of \$ _____ to begin w/in _____ days of release from custody/imposition of sentence

(X) Fine/Costs of incarceration waived

SPECIAL CONDITIONS:

____ Dft. shall maintain uniform good behavior.

____ Dft. to remain drug free, submit to In/Out patient testing as directed. Dft shall waive all rights of confidentiality.

____ Dft. shall perform _____ of community service during the period of supervision as directed by the probation officer.

____ No new credit

____ Access to all financial records.

____ Pay for the support of his children in the amount ordered by any social service agency or Court of competent jurisdiction. In the absence of such order, payments are to be made on a schedule to be determined by the Court at the inception of supervision, based on the defendant's financial circumstances.

____ Pay restitution of \$ _____ to be paid jointly and severally with co-defendant, as directed by the probation officer.

X Drug testing waived however, this does not preclude the probation officer from administering drug tests as deemed appropriate.

____ Home Confinement Program for a period of _____ months as directed by the probation officer.

____ Dft. must fully cooperate w/Bureau of Immigration and Customs Enforcement and, if deported, shall remain outside the United States..

RECOMMENDATIONS to BOP: X Dft. to be designated to: FCC Cumberland, Maryland to be near family.

____ Dft. to participate in 500 hrs Intensive Drug Treatment Program

Defendant shall surrender once designated by the Bureau of Prisons as directed by the probation officer.